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Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, prepared pursuant to Human Rights Council resolution 34/35. In the report, the Special Rapporteur provides a summary of the activities undertaken during the period under review and an overview of the thematic work undertaken by the mandate since its creation, in particular the work carried out by the current mandate holder, as this will be his last report to the Council.

The Special Rapporteur analyses the challenges of combating racism, xenophobia and discrimination in the current context of countering terrorism, that have affected several countries. He discusses how hate crimes, xenophobia against migrants and the security measures taken by some Governments in the context of countering terrorism may contribute to fuelling racism, xenophobia and discrimination against certain persons or groups owing to their ethnic origin, religion or migration status. He also analyses key legal and policy measures taken at national, regional and international levels to counter racism, xenophobia and other forms of discrimination in the context of countering terrorism and highlights examples of good practices aimed at eliminating racism, xenophobia and discrimination in the context of countering terrorism.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 34/35. In the first part of the report, the Special Rapporteur provides a summary of the activities undertaken during the period under review and an overview of the thematic work undertaken by the mandate over the more than 20 years since it was created, in particular by the current mandate holder, as this will be his final report to the Human Rights Council. The Special Rapporteur highlights the importance of the thematic issues that he has discussed and their significance in countering racism, racial discrimination, xenophobia and other forms of related intolerance.

2. In the second part of the report, the Special Rapporteur presents an initial analysis of the challenges relating to combating racism, xenophobia and discrimination in the current context of countering terrorism. He considers how hate speech and measures taken by some Governments to counter terrorism may fuel racism, xenophobia and discrimination against persons or groups owing to their ethnic origin, religion or migration status. The Special Rapporteur will also consider key legal and policy measures taken at the national, regional and international levels to counter racism, xenophobia and other forms of discrimination in the context of countering terrorism and highlight a few examples of good practices aimed at eliminating racism, xenophobia and discrimination in that context.

II. Activities of the Special Rapporteur

A. Country visits

3. The Special Rapporteur would like to thank the Government of Morocco for agreeing to a visit. He hopes that his repeated requests to visit India, Japan, South Africa and Thailand, as well as his requests to visit Algeria, Botswana, Nepal, Poland, Slovakia, the Sudan, Tunisia, the United Kingdom of Great Britain and Northern Ireland and the United States of America will receive positive responses. The Special Rapporteur urges the States that have not yet responded positively to his visit requests to do so.

4. The Special Rapporteur visited Argentina from 16 to 23 May 2016 (see A/HRC/35/41/Add.1), Australia from 28 November to 5 December 2016 (see A/HRC/41/Add.2) and Fiji from 7 to 12 December 2016 (see A/HRC/35/41/Add.3). He expresses his gratitude to the Governments of those countries for their full support and cooperation in the preparation of and during his visits.

B. Other activities

5. The Special Rapporteur participated in the High-level thematic debate on human rights convened by the President of the General Assembly on 12 and 13 July 2016 in New York. On 19 September 2016, he addressed the High-level meeting on addressing large movements of refugees and migrants hosted by the General Assembly during its seventy-first session at the round table entitled "Global compact for safe, regular and orderly migration: towards realizing the 2030 Agenda for Sustainable Development and achieving full respect for the human rights of migrants".

6. On 17 March 2017, the Special Rapporteur participated in a panel discussion on racial profiling and incitement to hatred, including in the context of migration, held during the thirty-fourth session of the Human Rights Council in Geneva. On 21 March 2017, he was a keynote speaker at the commemorative plenary meeting of the General Assembly in New York to the International Day for the Elimination of Racial Discrimination, which focused on the state of racial discrimination worldwide.

III. Thematic work of the mandate, in particular during the past six years

7. The thematic work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has spanned a wide breadth of issues, in accordance with the mandate that was initially established in 1993,[1] ranging from the prevention of racism and racial discrimination to the phenomenon of xenophobia, from racism and discrimination in sports to their manifestations on the Internet. This section aims to take stock of this body of thematic work, including that carried out by previous mandate holders, as a number of the thematic issues that they addressed continue to be of relevance and in need of attention.

A. A global understanding of xenophobia

8. In his 2016 report to the Human Rights Council, the Special Rapporteur discussed the phenomenon of xenophobia, its conceptualization, trends and manifestations (A/HRC/32/50). That report was particularly relevant in the context of modern migration patterns, with close to 244 million people living outside their country of citizenship today, a 41 per cent increase since 2000.[2] Xenophobia denotes "behaviour based on the idea that the other is foreign to or originates from outside the community or nation".[3] While there is a significant overlap between racism and xenophobia, xenophobia involves "attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity".[4] The mandate holders have made and continue to make important headway in differentiating between racism and xenophobia and understanding the causes of xenophobia in order to best prevent and eliminate the phenomenon.

9. Xenophobia has been extensively discussed in several reports by the mandate holders to the Human Rights Council and the General Assembly. In the reports submitted to the General Assembly in 1994 (A/49/677) and 1995 (A/50/476), the mandate holder addressed the issue of xenophobia and discrimination against migrant workers and immigrants. In the 1996 report (A/51/301), he considered the issue through the lens of the global immigration crisis, in which immigrants had become easy scapegoats of the economic crisis. In 2004, the mandate holder focused on the rise of isolationism worldwide and the increasing prevalence of xenophobic rhetoric in political discourse (A/59/329). The 2005 report to the General Assembly (A/60/283) and the 2006 report to the Commission on Human Rights (E/CN.4/2006/16) focused on racism in the fight against terrorism and highlighted how national policies were restricting the economic and social rights of communities affected by xenophobia.

10. In his most recent report to the Human Rights Council in 2016 (A/HRC/32/50), the Special Rapporteur addressed xenophobia and contemporary forms of racism and racial discrimination against vulnerable groups such as migrants, refugees, asylum seekers, persons belonging to minorities and indigenous peoples. He also considered the rise of political parties and movements with xenophobic platforms, as well as laws and policies glorifying historic injustices and fuelling contemporary forms of racism.

11. Xenophobia manifests itself in multiple forms that could be characterized according to the severity, scale and modality of expression. At the most severe, xenophobia could lead to the expulsion or eradication of population groups. At the other end, manifestations of xenophobia could range from bullying to mild hate speech. Between these extremes, there is a range of practices, including political scapegoating, administrative exclusion, selective

[1] See Commission on Human Rights resolution 1993/20.

[2] See http://data.unicef.org/topic/child-migration-and-displacement/migration/.

[3] See www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/xenophobia/.

[4] Ibid.

and restrictive immigration policies, targeted gang violence, police harassment, profiling and stereotyping in the media.[5]

12. The Special Rapporteur noted that there were various causes of xenophobic attitudes and practices. Some studies have rooted discrimination and bias in human psychology, asserting that people are naturally and inherently scared of those they perceive as different. Ignorance, lack of knowledge about migrants and/or foreigners or socialization itself may also contribute to xenophobia. Other studies have suggested that in times of economic, political or social instability, people often experience a "deficit of belonging", which leads to a tendency to draw boundaries as a way of achieving individual or collective security.[6]

13. Although xenophobia negatively impacts groups and individuals who are perceived as foreign in all countries throughout the world, there is a need to better understand how xenophobia manifests itself differently in different global regions. The Special Rapporteur's work is aimed at improving our understanding of these differences by contextualizing how xenophobia operates in specific regions.

14. The Special Rapporteur noted that it was important that both the mandate as well as other relevant United Nations mechanisms and States maintained a focus on the issue of xenophobia at the global level as it was likely to remain an ongoing challenge. Legal, policy and programmatic measures at the national level were, in particular, key to preventing the spread of xenophobic discrimination and violence and ensuring that those who find themselves victims are accorded the necessary support. Global measures for prevention and accountability remain key and, in that regard, the Special Rapporteur noted with appreciation that the Secretary-General was leading a global campaign against the issue of xenophobia. Similarly, he considered it fitting that xenophobia remained on the agenda of the ongoing discussions and negotiations for the global compact on safe and orderly migration.

Racial profiling in law enforcement

15. In his 2015 report to the Human Rights Council, the Special Rapporteur addressed the phenomenon of racial profiling in law enforcement (A/HRC/29/46). He discussed the implicit biases and how they impacted the frequency of stops and criminal sentences. Racial and ethnic profiling is commonly understood as a reliance by law enforcement, security and border control personnel on race, colour, descent or national or ethnic origin as a basis for subjecting individuals to detailed searches, identity checks and investigations, or for deciding that an individual is engaged in criminal activity. Its use has often arisen in connection with national security or immigration policies, yet various studies have shown that it is ineffective.

16. In the report, the Special Rapporteur gave an overview of various and increasingly prevalent manifestations of racial or ethnic profiling. The "stop and frisk" operation often disproportionately targets vulnerable populations. Police may also disproportionately target certain minority groups for traffic stops. Profiling also occurs when officials perform identity checks, ostensibly to address irregular immigration. Another manifestation is the increased use of force against minority populations by law enforcement officials. In the context of immigration, racial and ethnic profiling continues to occur at points of entry into States, where customs and border agencies may force certain individuals or groups to undergo additional security checks and interviews. Security measures and surveillance policies enacted in relation to counter-terrorism efforts also motivate the use of racial and ethnic profiling. Profiling in the context of immigration may also limit the ability of individuals to travel, such as when States refuse to issue birth registration and identification documents to members of ethnic groups. Profiling is also prevalent in criminal justice systems, where there is often a correlation between minority status and harsher sentences.

17. The Special Rapporteur highlighted the international, regional and domestic measures taken to combat and prohibit racial and ethnic profiling. He also discussed the

[5] See A/HRC/32/50, para. 38.

[6] *Ibid.*, para. 40.

effectiveness of measures taken to remedy discrimination and highlighted best practices. The Special Rapporteur noted that training alone was likely insufficient, but when paired with other measures, might be effective. He also found that diversity in law enforcement agencies could help to prevent profiling.

18. The Special Rapporteur highlighted the issue of profiling, not just because it remained prevalent, but also because law enforcement constitutes the immediate and street-level representation of the State. Indeed, it is through law enforcement and interaction with law enforcement officers that citizens or ordinary residents experience the power of the State. Racial discrimination in law enforcement is also indicative of the marginal status of groups who are discriminated against and a signal that they will likely suffer racial discrimination in their other interactions with the State. Not surprisingly therefore, the Special Rapporteur noted in the course of his thematic studies as well as through various country visits that individuals who routinely experienced profiling tended to belong to racial, ethnic and national groups which were historically discriminated against or which continued to experience racial discrimination.

B. Racism on the Internet and social media

19. In his 2014 report to the Human Rights Council, the Special Rapporteur examined how new information technologies, such as the Internet and social media, have been utilized to disseminate racist ideas, hate messages and incitement to racial hatred and violence (A/HRC/26/49). With the development of technology, extremist hate sites grew both in number and sophistication and extremist groups found the Internet to be a very useful tool for recruiting new members. In the report, the Special Rapporteur expressed concern about incidents of racist violence and crimes against minorities, the lack of adequate data and the use of the Internet and social media networks by extremist groups and movements to disseminate information and recruit new members. Nonetheless, legal, regulatory, technical and other practical challenges remain a barrier to the fight against racism and incitement to racial hatred and violence on the Internet owing to the lack of clarity in legal terms, differing laws and the trans-border nature of the Internet.

20. The mandate holders have monitored this issue over time and it has been addressed in reports to the General Assembly and the Human Rights Council since 1998. In one of the first reports to address the issue, which was submitted to the General Assembly in 1998, it was noted that over 200 Internet sites worldwide were disseminating racist propaganda (A/53/269). The number of sites has increased exponentially over the last decade. The 1999 report (A/54/347) contained a more in-depth discussion of the issue, including reference to studies and publications as well as measures taken by Governments, and recommendations. In 2000, the mandate holder again raised the issue and noted that the number of sites posting racist propaganda had risen to thousands, particularly owing to a lack of international regulation (A/55/304). In the 2002 (A/57/204), 2003 (A/58/313) and 2004 (A/59/329) reports to the General Assembly, the mandate holder highlighted new measures taken by Governments and other bodies to increase international cooperation on the issue, including the Council of Europe Additional Protocol to the Convention on Cybercrime concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems of 2003. In the 2004 report, the mandate holder noted that there was still disagreement as to the most appropriate strategy for preventing the dissemination of racist messages on the Internet. In his report to the Human Rights Council in 2014 (A/HRC/26/49 and Corr.1), the current Special Rapporteur discussed the growth of the phenomenon since those earlier reports.

21. In that report, the Special Rapporteur also reported on the efficiency of the measures taken by governments to remedy such use of the Internet and on the impact of those measures on other human rights, particularly freedom of expression. He highlighted best practices in the field at the international, regional and domestic levels and initiatives taken by civil society and the private sector. He also noted other efforts that may be a cause for concern as they involve private regulation of individuals' expression.

22. The Special Rapporteur expressed concern about the vesting of decision-making power in individuals who lack accountability to determine which content is "racist", "illegal" or "inciting hatred." He noted that Internet service providers and social media platforms should not make decisions regarding user-generated content or be empowered to remove or filter content without external input.

23. The Special Rapporteur highlighted civil society initiatives which complemented those taken by Governments at the international, regional and national levels to combat the spread of racism and xenophobia on the Internet. Those initiatives ranged from knowledge-sharing platforms to the establishment of complaints bureaus regarding discrimination on the Internet and dedicated monitoring and reporting on hate groups and their activities.

24. The Special Rapporteur noted that the Internet and social media will continue to be used by extremist and racist groups to promote racial discrimination and violence and, for that reason, it would remain an important issue for the mandate. More studies are still needed on how the Internet can be more effectively used to prevent and counter incitement to racial discrimination and violence.

C. Focus on prevention of racism, racial discrimination, xenophobia and related intolerance

25. In his 2012 report to the Human Rights Council (A/HRC/20/33), the Special Rapporteur focused on the prevention of racism, racial discrimination, xenophobia and related intolerance, in accordance with the provisions of the Durban Declaration and Programme of Action.[7] He noted that, while a robust legal framework existed for punishing racism and racial discrimination, the legal framework for prevention remained weak, thereby minimizing the effectiveness of punitive measures.

26. The Special Rapporteur outlined five possible preventive measures and policies aimed at ensuring the participation of groups who were discriminated against and marginalized in public and political life, promoting equality of opportunity in social and economic areas and eradicating poverty, mainstreaming a gender perspective, improving the role of education and implementing special measures. He considered that the invisibility of poor and excluded ethnic groups contributed to their vulnerability and reinforced prejudices and discrimination. Broader participation would offer new perspectives and increase interaction. He highlighted the correlation between socioeconomic inequality and racial discrimination: unequal distribution of resources and infrastructure reinforced exclusion of minorities and prevented them from exercising their economic and social rights. Racism and racial discrimination were manifested differently for women and girls, including through sexual violence in conflict situations, coerced sterilization and a lack of access to remedies and complaint mechanisms. He emphasized that education could help to create new values and attitudes and called upon States to establish inclusive school systems that were representative of society's ethnic and cultural diversity, train teachers on racism and racial discrimination, use unbiased textbooks and promote classes that highlighted the history and positive contributions of minorities. Finally, he noted that special measures could have both preventive and corrective functions.

27. Preventing racism, racial discrimination, xenophobia and related intolerance was a multidimensional challenge and any effective preventive agenda must involve various actors. States bore the primary responsibility, but also required the cooperation of political parties, civil society, national human rights institutions, the media and private actors. In certain areas, such as education, capacity-building and training, awareness-raising, research and monitoring, non-State actors played a central role. The Special Rapporteur highlighted other tools to prevent racism and racial discrimination, including new information technologies such as the Internet — although the intersection of poverty and racism meant that excluded minority groups might have less access to the Internet and States should therefore adopt measures to make the Internet widely available, thereby increasing

[7] See www.un.org/WCAR/durban.pdf.

opportunities for meaningful interaction and participation — and sports, which could play a dynamic role in promoting tolerance and racial and cultural understanding.

28. The Special Rapporteur stressed the role of human rights education and the respect and promotion of cultural diversity as means of preventing and eliminating racism and racial discrimination and the need to address institutional racism and racial discrimination in order to increase cultural diversity, facilitate meaningful interaction and highlight the positive contribution of minority groups. He recommended that political parties and the media present opinions and news in the appropriate context and promote attitudes of peace and reconciliation, rather than racially motivated hate speech or xenophobic and intolerant rhetoric.

29. The Special Rapporteur emphasized the importance of the preventive dimension in countering racism, racial discrimination and xenophobia. Preventive measures are important as they support individuals before they become victims of discrimination. Preventing racism, racial discrimination and xenophobia is forward looking as it anticipates violations and addresses their contexts before they happen. He is of the opinion that prevention has not yet received the attention it deserves, although some appreciable progress has been made in some countries.

D. Role of education in preventing racism, racial discrimination, xenophobia and related intolerance

30. In his 2013 report to the Human Rights Council (A/HRC/23/56), the Special Rapporteur focused on the role and place of education in addressing deep-rooted discrimination and the legacy of historical injustices and as a means to enable individuals and groups to lift themselves out of poverty.

31. The Special Rapporteur highlighted three overlapping dimensions to be considered when taking measures to secure access to education: non-discrimination, physical accessibility and economic accessibility. Prohibiting racial discrimination does not exclude resorting to temporary special measures in order to create equality. Physical accessibility may entail the provision of distance-learning methods, State support for the use of various media, promoting access to new technologies, establishing mobile schools and modifying school cycles to take into account cultural practices. Economic accessibility requires that education be affordable to all and guarantees that hidden costs do not lead to discrimination.

32. The Special Rapporteur recommended that States ensure that their general curriculum contains adequate and balanced information on the contribution of minorities, migrants and other groups in the country, so as to promote tolerance and respect. The curriculum should also promote diversity, rather than racial and ethnic superiority, and accurately portray atrocities. Teachers should regularly participate in training on promoting respect for human rights and the fight against racism.

33. The Special Rapporteur considered various contexts that impact the full enjoyment of the right to education without discrimination. Racially motivated violence in schools may contribute to hostile environments and schools should put stronger emphasis on raising awareness about tolerance, non-discrimination and the values of a multicultural society. Education is sometimes used as a tool for ethnic or racial stereotyping. Ensuring access to education during armed conflicts is a major challenge and minority groups are often disproportionately affected during such conflicts. The severe economic crisis in many countries has resulted in drastic budgetary restrictions in the education sector. States must evaluate the potential impact of cuts and ensure they do not have a disproportionate impact on minorities.

34. The Special Rapporteur highlighted the situations faced by various groups. Migrants, refugees and asylum seekers faced multiple discrimination, including in the enjoyment of the right to education. In particular, undocumented migrant children regularly faced a high risk of exploitation, various legal barriers and economic challenges.

35. Country visits enabled the Special Rapporteur to address the centrality of education and its role in enabling the enjoyment of other rights. The Special Rapporteur noted that there would be no significant progress in preventing racism and racial discrimination so long as groups that are discriminated against continue to stagnate or regress with regard to education.

E. Racism, racial discrimination, xenophobia and related intolerance in sports

36. In his report to the General Assembly in 2014 (A/69/340), the Special Rapporteur focused on the issue of racism, racial discrimination, xenophobia and related intolerance in sports, pursuant to the call by the General Assembly in its resolution 58/160 to pay special attention to the increasing frequency of incidents of racism at various sporting events.

37. Although sports have the capacity to demystify racial superiority discourses, modern sports continue to be afflicted by incidents and patterns of racial violence, racial insults and racial intolerance on the field, in sports arenas as well as outside of them.

38. Racism in sports is manifested in various ways, including by the display of racist banners and flags, racist insults and attacks by fans, trivialization of racist chants, racist comments by club officials and managers during sporting events and unequal access to opportunities to participate in sports for ethnic minorities. Indeed, there are certain sports that are historically known as "white" or "elite" sports, including cycling, tennis, golf, equestrian events and swimming. Wealth plays an important role in restricting access to those sports and has a disproportionate impact on racial and ethnic minorities.

39. The Special Rapporteur considered the legal, policy and regulatory frameworks and measures taken at the international, regional and national levels to address this issue. At the international level, various human rights bodies and instruments address these issues. In its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee on the Elimination of Racial Discrimination recommended that all international sporting bodies promote a world of sports free from racism, racial discrimination, xenophobia and related intolerance (para. 3 (c)). The United Nations Office on Sport for Development and Peace has also taken various initiatives to regulate and promote sports without discrimination.

40. At the regional level, various initiatives aimed at educating stakeholders and raising awareness of the issue have been taken. For example, Media against Racism in Sport Programme, a joint European Union and Council of Europe programme, is aimed at promoting diversity and non-discrimination in media production and content design, while the European Parliament adopted the Declaration on tackling racism in football, in 2006, which strongly condemns all forms of racism at football matches and notes that the popularity of football offers a new and continuous opportunity to tackle racism. At the national level, several positive initiatives have been taken by Governments and national sports federations to strengthen national frameworks to combat racism and racial discrimination. Civil society has also been active in raising awareness about racism and racial discrimination in sports and in combating such forms of intolerance. For example, Football against Racism in Europe (FARE) is a network of NGOs, amateur groups and supporter clubs in Europe that works to advance the social inclusion of marginalized and disenfranchised groups and to engage policymakers, key players and governing bodies in the anti-discrimination movement.

41. Unfortunately, racism continues to stalk sports. Sports federations and associations as well as relevant regulatory authorities still need to do more. In some cases, penalties have been too lenient to effectively send a message of zero tolerance on racism. The Special Rapporteur considers sports an important opportunity to leverage popular appeal, the influence of sportspeople and the power of regulating agencies to effectively eliminate racism from sports.

F. Value of data and statistics

42. In his report submitted to the General Assembly in 2015 (A/70/335), the Special Rapporteur addressed the role of data and statistics in combating racism, racial discrimination and xenophobia. The previous mandate holder had also highlighted the need to and value of collecting disaggregated data and statistics to combat discrimination. The 2015 report built on an extensive body of legal provisions and recommendations on the collection of data and statistics, including the Durban Review Conference which recommended that States develop systems and mechanisms to collect and analyse data, including equal-opportunity and non-discrimination indicators with a view to regularly assessing the situation of all victims of racism, racial discrimination, xenophobia and related intolerance. The Special Rapporteur noted that the lack of disaggregated data across prohibited grounds of discrimination had led to a significant information gap that obstructed effective policymaking at the national, regional and international levels.

43. Indeed, Goal 17 of the recently adopted Agenda for Sustainable Development calls for the collection of disaggregated data to measure progress and ensure that no one is left behind in promoting and fostering non-discrimination and equality while upholding the universality of human rights. As evidenced by the 2015 United Nations Millennium Development Goals Report, the lack of disaggregated data often led to the implementation of inefficient decision-making and planning and failed to capture inequalities in society. At a time when the international community is initiating discussion on how to measure progressive achievement in relation to the new agenda, a strong commitment to adopting indicators that would enable the capture of all levels of discrimination is needed.

44. The collection of data disaggregated by ethnicity on economic, social, cultural, civil and political indicators is a prerequisite if we are to identify the patterns of discrimination and map existing gaps to increase the visibility of groups that are discriminated against and, in some cases, enable their recognition which is sometimes otherwise denied. Data is also crucial to evaluating the impact of existing measures and developing adequately informed policies to redress the situation of vulnerable groups. The development of measures based on empirical evidence rather than assumptions is needed to optimize the likelihood of effectively impacting the welfare of marginalized groups. Disaggregated data could also serve to improve access to justice for victims of discriminatory practices, which are often difficult to prove on a single-case basis. Data also allows for the detection of practices of racial discrimination in the administration of justice by increasing transparency.

45. The Special Rapporteur noted that while there is no clearly stated international obligation to collect data on ethnicity, the human rights legal framework provides a strong mandate to gather such data as a prerequisite to effectively combating discrimination and achieving universal realization of human rights within society. The State has a duty to ensure equality and this should be interpreted as including the duty to collect and analyse data disaggregated by ethnicity in order to identify inequalities resulting from discrimination and remedy imbalances. Data on ethnicity could be considered as a component of the right to non-discrimination. The right to be free from discrimination includes the right to access information which could serve as evidence to prove discrimination and an argument could be made that data disaggregated by ethnicity is part of such information. Access to adequate and accurate information could additionally have an empowering effect on traditionally marginalized groups and foster their participation in decision-making processes and thus positively impact the realization of other rights.

46. The Special Rapporteur notes that the area of data and statistics still requires more work and focus by the mandate. Without data and statistics it would not be possible to make an accurate determination of progress or lack thereof in any country. The tools for collecting such data and statistics as well as the use to which such data could be put are all part of the substantial work that remains to be done.

IV. Challenges to combating racism and xenophobia in the context of countering terrorism

47. In this section, the Special Rapporteur presents some of the challenges linked to combating racism, xenophobia and discrimination in the current context of countering terrorism threats. The Special Rapporteur recalls that the Human Rights Council, in its resolution 7/34 called upon the mandate holder to examine and report on this particular issue. To that end, the Special Rapporteur will examine how hate speech as well as measures taken by some Governments may have fuelled racism, xenophobia and discrimination against persons or groups owing to their ethnic origin, religion or migration status in the context of countering terrorism. The Special Rapporteur will also examine some key legal and policy measures taken to counter racism, xenophobia and other forms of discrimination in the context of countering terrorism as well as some examples of good practices that have been initiated to eliminate racism, xenophobia and discrimination in this context. He will provide a more elaborate assessment of the issue in his next thematic report to be submitted to the General Assembly later this year.

A. Rise of political extremism and the increased incidence of racist and xenophobic hate crimes and violence

48. The Special Rapporteur has already highlighted the direct relationship between the increase in economic disparity and the increase in xenophobic populist parties. Since the 1990s, income inequality has increased by 9 per cent in developed countries and 11 per cent in developing countries.[8] With the onset of economic crises worldwide, populist parties increasingly gained support by capitalizing on constituents' concerns over the financial burdens of migration and their belief that migrants engage in crime, take jobs away from nationals, pose a threat to national identity or have religious practices that are incompatible with modern societies.[9] Equally concerning is the contagion effect, in which more traditional parties adopt tougher stances on issues such as security, migration and integration in order to counter the rise of right-wing populist parties.[10]

49. Two trends that intensified globally following recent terrorist attacks — the proliferation of anti-Muslim rhetoric and the rise of right-wing extremist parties — have led to an atmosphere of fear towards Muslims in countries where Muslims are racialized or viewed as foreign. For Muslims and those perceived as Muslims living in those countries, these trends have led to increased experiences of racism and xenophobia. At the same time, incidents of anti-Semitic hatred have also increased.

50. Recently, in Europe, a member of a right-wing populist party was running a political campaign and leading in the opinion polls by calling for a ban on Muslim immigration and using derogatory adjectives to qualify them.[11] Another right-wing populist party was arguing in Parliament that immigrants should celebrate local religious holidays in order to become part of the nation.[12]

51. In one Eastern European country, the national Constitution was amended to include the specification of the Christian character of the nation.[13] There were reports of a Government and the media building a campaign focusing on the differences between Christians and Muslims, perpetuating negative stereotypes against Muslims and describing

[8] See A/HRC/31/60, para. 6.

[9] European Union Agency for Fundamental Rights (FRA), *The European Union as a Community of values: safeguarding fundamental rights in times of crisis* (2013), p. 7.

[10] Ibid., p. 17.

[11] See www.bbc.com/news/world-europe-39016179.

[12] See https://perma.cc/66TY-8UMS (in Danish).

[13] Organization for Security and Cooperation in Europe, Office for Democratic Institutions and Human Rights (OSCE-ODIHR), "Fact-finding Meeting: Hate Motivated Incidents Targeting Migrants, Refugees and Asylum-Seekers in the OSCE Region", (Warsaw, December 2015) (hereafter "Report on the fact-finding meeting on the OSCE region").

them as dangerous people.[14] This was in addition to the already disturbing situation of anti-Semitic acts and attitudes. In another Eastern European country, anti-refugee rhetoric was on the rise, with refugees being negatively described as bringing diseases to the country.[15]

52. The Special Rapporteur is concerned that, in one Middle Eastern country, the volatile situation between the majority and the minority has deteriorated with the rise of global terror. By invoking strong antiterrorism rhetoric, while aligning the country's minority and their political aspirations in the region with that of radical Islam, Parliament has adopted several amendments to the country's primary laws in an effort to fight terror.[16] In one Mediterranean country, where the Muslim population is approximately 18 per cent of the overall population, Islamophobia is widespread in public discourse, with several politicians in mainstream political parties leading open attacks on Muslims and presenting them as invaders without any legal ground to seek asylum in the country.

53. The Special Rapporteur learned that, in some Latin American countries, the rise in Islamophobic rhetoric, both in politics and the media, has mirrored the global trend of anti-Muslim sentiment, leading to stigmatization and fear of the Muslim communities that have long inhabited the region. A popular news source in one South American country released an article asserting that more than half of the Muslims in the world were radicalized.

54. In the Asia-Pacific region, negative portrayals of ethnic minorities were also reported. The Government of one Asian country portrayed a Muslim minority ethnic group as having been influenced by foreign terrorist organizations, escalating the already tense relations between the ethnic majority and the minority.[17] In one Southeast Asian nation, Muslims are similarly portrayed as foreign and dangerous in the mainstream national discourse.[18] In the recent parliamentary elections in 2016 in a South Pacific country, one party running on a nationalist far-right platform, which utilized anti-Muslim rhetoric, made unexpectedly large gains in Parliament, resulting in bargaining power with the ruling party.[19]

55. Following the heightened fear of terrorism often linked with counter-terrorism measures and negative rhetoric to Muslim identity, a wave of hate crimes intensified against Muslims or those perceived to be Muslims in countries where Muslim identity is racialized or considered foreign.

56. The Special Rapporteur is deeply concerned that hate crimes in one Western European country have targeted asylum seekers. In 2016, those xenophobic attacks, which included arson attacks against reception facilities, almost doubled from the previous year.[20]

57. In South America, Islamophobia is predominantly manifested in xenophobic slurs and acts of aggression towards Muslims. This is especially true immediately after widely televised terrorist attacks. For example, there was a sharp spike in anti-Muslim hate crimes following terrorist attacks that occurred in 2015.[21]

58. The Special Rapporteur is monitoring long-standing repression of an ethnic minority in one Asian country, which has increasingly been justified by the Government as counter-terrorism action. Following an attack, which killed border police officers in 2016, the Government retaliated by launching a violent counter-insurgency, in which villages were burned and hundreds of civilians were beaten, raped or killed.[22]

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[14] Ibid.

[15] Ibid.

[16] See https://perma.cc/76SD-KUT3.

[17] See https://perma.cc/HM25-LEM7 and https://perma.cc/AF83-24QE and www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=54cf83b51b&skip=0&query=world%20report%202015%20&coi=CHN.

[18] See https://perma.cc/G8AF-3QYF.

[19] See https://perma.cc/AF4A-AGWM and https://perma.cc/X5H8-5LED.

[20] See http://fra.europa.eu/en/publication/2016/current-migration-situation-eu-hate-crime-november-2016.

[21] See https://perma.cc/EU7R-M9B7 (in Portuguese).

[22] See https://www.hrw.org/news/2016/12/21/burma-rohingya-recount-killings-rape-and-arson.

59. The Special Rapporteur expressed concern at the situation of an ethnic minority in one East African country. In response to a spate of terrorist attacks, the Government launched an operation to increase the policing of ethnic minorities and Muslim communities.[23] Over 6,000 police officers were deployed in one suburb, where the forces raided homes and arbitrarily arrested and detained close to 4,000 people, mostly of the country's ethnic minority.[24] There have also been cases of extrajudicial killings of terrorist suspects implicating the country's antiterrorism unit and the police.[25]

B. Xenophobia and racism in immigration and border control policies

1. Freedom of movement

60. Aggressive counter-terrorism policies have disproportionally affected people from Arab countries, considerably restricting their freedom of movement. In one Western European country, hundreds of people have been subjected to administrative bans against leaving or entering the country since 2015.[26] The Special Rapporteur is concerned that the authorities often justify those orders by using counter-terrorism rhetoric.[27]

61. Recently, in January 2017, an executive order was issued in one country, which suspended the Refugee Admissions Programme for 120 days, stopping it indefinitely for refugees from a particular country and banning entry into the country of nationals of seven Muslim-majority countries for national security concerns.[28] However, the courts ruled that there was little proof that the ban was in any way beneficial. Although the refugee programme remains frozen, an appellate court has upheld a stay on the travel ban.[29]

2. Nationality

62. Several Western European countries have amended legislation to make it easier to strip citizens of their nationalities if they are suspected of terrorist-related activities.[30] In more extreme cases, new amendments allow citizens to be stripped of their nationality while abroad or without prior judicial authorization.[31]

63. In almost all countries with nationality-stripping measures, the Government ensures that the removal of citizenship does not have the effect of rendering an individual stateless.[32] However, the Special Rapporteur has found that one country has legislated on the removal of citizenship for foreign-born nationals who only hold the citizenship of which they are being stripped.[33]

3. Treatment of refugees and asylum seekers

64. Responding to the fear of terrorism from an influx of refugees, many countries have enacted xenophobic measures to keep asylum seekers out. The Special Rapporteur documented examples of countries in Western Europe that are not acting fully in accordance with the international law principle of non-refoulement and are deporting

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[23] Jeremy Lind, Patrick Mutahi and Marjoke Oosterom, *Tangled Ties: Al-Shabaab and Political Volatility in Kenya*, Evidence report No. 130, Addressing and Mitigating Violence (Institute of Development Studies, April 2015), p. 25.

[24] See www.hrw.org/news/2014/05/12/kenya-end-abusive-round-ups.

[25] See www.hrw.org/sites/default/files/world_report_download/wr2015_web.pdf.

[26] See Amnesty International, "Upturned lives: the disproportionate impact of France's state of emergency" (2016). Available at https://www.amnesty.org/en/documents/eur21/3364/2016/en.

[27] Ibid.

[28] See https://perma.cc/7245-GKMC; also https://perma.cc/L4HZ-RXAT.

[29] United States Court of Appeals for the Ninth Circuit, *State of Washington v. Trump*, Per curiam order No. 17-35105, adopted on 7 February 2017.

[30] See Amnesty International, "Upturned lives" (2016).

[31] See https://perma.cc/5B72-2F9C; and http://eprints.lse.ac.uk/69460/.

[32] Ibid.

[33] Victoria Parsons, "Theresa May deprived 33 individuals of British citizenship in 2015" (Bureau of Investigative Journalism, 21 June 2016).

individuals identified as threats to national security, even though they are likely to experience serious persecution when they return to their country of origin. In one country, a deportation order was enforced even though the country's own protection appeal body had determined that the deported person faced a risk of torture if returned to his country of origin.[64]

65. The Special Rapporteur learned that an Eastern European country had tried to keep refugees out of the country by invoking a state of emergency and empowering the police and military to support the asylum authority in instituting expedited border procedures in "transit zones" and limiting judicial review of asylum decisions issued by the Office of Immigration and Nationality.[65] At the same time, the country's Criminal Code was amended to allow for the criminalization of refugees and migrants who enter the country irregularly through its southern border, allowing for a wide range of penalties, including prison sentences and mandatory expulsion, and resulting in criminal convictions for some refugees.[66]

66. The Special Rapporteur notes that, in May 2016, citing national security concerns, the Government of one East African country had announced the closure of a large refugee camp and the deportation of refugees to their home countries.[67] However, that decision was rendered null and void by the country's high court.[68] The court held that closure of the camp would be illegally discriminatory because it targeted refugees of an ethnic minority.[69]

67. The Special Rapporteur notes with concern that, in the Asia-Pacific region, fear of Muslims has also manifested itself in inhumane policies towards Muslim refugees from war-torn countries who are detained in offshore detention centres where human rights violations have been documented.[70]

C. Impact of overbroad counter-terrorism legislation on the human rights of racial minorities and those perceived as foreign

68. Apart from the marginalizing effects of xenophobic discourse and legislation, many countries have adopted laws with vague definitions of terrorism. These overly broad measures have led, in some instances, to the violation of fundamental human rights.

69. In some European countries, vague terminology has appeared in legal codes, making the limits on freedom of expression unclear. General terms like "glorification", "public provocation" and "apology of terrorism" have begun to appear in charges of incitement to terrorism.[71] These vague criminal statutes have arisen from the efforts of right-wing populist initiatives in direct response to the fear of Muslim radicalization. One Western European country has removed the requirement that the incitement poses the actual risk of a terrorism-related offence being committed.[72]

70. The Special Rapporteur is concerned that several African countries have also adopted vague and sweeping counter-terrorism statutes.[73] Ambiguous definitions of

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[64] Amnesty International, "Uprooted lives" (2016).
[65] Ibid.
[66] Ibid.
[67] See www.refugeesinternational.org/advocacy-letters-1/2017/2/9/dadaab?rq=dadaab.
[68] Ibid.
[69] Ibid.
[70] See www.amnesty.org/en/documents/asa12/4934/2016/en/.
[71] Bibi van Ginkel, "Incitement to terrorism: a matter of prevention or repression?", ICCT Research Paper (August 2011). See also www.nytimes.com/2016/02/25/world/europe/spain-europe-protect-free-speech.html.
[72] Amnesty International, "Uprooted lives" (2016).
[73] See www.americasbar.org/content/dam/aba/administrative/human_rights/counterterrorism_human_rights_advocacy_authcheckdam.pdf; also www.fidh.org/IMG/pdf/afriquecentre648eng2007.pdf.

terrorism and far-reaching laws have enabled these countries to criminalize the exercise of fundamental liberties, peaceful political or social opposition and other legitimate acts.[44]

71. The implementation of such overly broad counter-terrorism policies has led to abuse and stigmatization of an ethnic minority in Latin America, where antiterrorism legislation has been applied against an indigenous population seeking to reclaim its ancestral lands and right of self-determination.[45] The ongoing characterization of this indigenous population as terrorists, both in the media and in political discourse, is a significant obstacle to its realizing its rights to its ancestral territory and of self-determination and has led to targeted violence and excessive force against that community by law enforcement.[46]

D. Surveillance of racial minorities and groups perceived as foreign

72. Overly broad legislation has, in many countries, allowed policing practices which target racial and ethnic minority communities. The constant surveillance experienced by many minority and migrant communities has a chilling effect on freedom of expression and undermines interpersonal and familial relationships, as well as religious practice.

73. The Special Rapporteur is concerned that, in one North American country, the police force in a major city uses dragnet surveillance of the city's Muslim community to observe services at mosques and film the entrances to mosques and produces daily reports on Muslim individuals.[47] That surveillance has never produced any actionable intelligence and the matter has been brought before the court.[48]

74. In one East Asian country, where 90 per cent of Muslims are foreign born,[49] an extensive surveillance programme targeting Muslims has had a disproportionate impact on migrants.[50] An investigation showed that police were creating résumé-like data on Muslim individuals and had surveilled 72,000 individuals from Muslim-majority countries in order to collect their personal information. A high court later found these privacy violations to be legal because they were "necessary and inevitable" to guard against terrorism.[51]

75. The Special Rapporteur noted a similar trend throughout Western Europe. For example, the 2015 Surveillance Law in one Western European country empowers the Prime Minister to authorize the use of surveillance measures, such as capturing mobile phone calls and black boxes from Internet service providers, for the purpose of protecting foreign policy interests, without any prior judicial authorization.[52] More recently, with the goal of preventing terrorism, that same country extended surveillance to individuals suspected of "association" with someone who may constitute a threat.[53]

E. International, regional and national norms prohibiting racism and xenophobia, especially in the context of countering terrorism

76. The Special Rapporteur draws attention to the various international, regional and national legal and normative frameworks that have been adopted to curb racism and xenophobia while countering terrorism.

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[44] See www.fidh.org/IMG/pdf/abuquenstein0630eng2007.pdf.
[45] Chile, Law No. 18314 of 16 May 1984.
[46] See A/HRC/25/59/Add.2.
[47] See www.aclu.org/other/factsheet-nypd-muslim-surveillance-program?redirect=factsheet-nypd-muslim-surveillance-program.
[48] See http://newyork.cbslocal.com/2015/11/19/bratton-muslim-monitoring/.
[49] See www.aljazeera.com/focus/hajj/2009/11/2009113101182515016.html.
[50] See https://perma.cc/8HSB-V7DL.
[51] Ibid.
[52] Ibid.
[53] Ibid.

1. International standards

77. The International Convention on the Elimination of All Forms of Racial Discrimination calls for the elimination of racial discrimination in all its forms and manifestations. The Special Rapporteur considers the following provisions to be especially relevant in the context of countering terrorism: the right to freedom of movement and residence, the right to leave any country and the right to nationality (art. 5 (d) (i), (ii) and (iii)).[54]

78. Similarly, the Durban Declaration and Programme of Action urges States to take measures to end xenophobia and racial discrimination against, inter alia, migrants, refugees and indigenous peoples.[55] The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence calls upon States to take measures to eliminate hate speech and discriminatory practices based on nationality, ethnicity, religion or belief.[56]

79. The United Nations Global Counter-Terrorism Strategy, adopted by the General Assembly in its resolution 60/288, is the first comprehensive, collective and internationally approved framework for tackling the problem of terrorism worldwide. It aims at balancing the defence of human rights and upholding the rule of law while countering terrorism.[57] The Plan of action accompanying the Strategy recognizes that any measure taken to prevent and combat terrorism must comply with international law, including the Charter of the United Nations, and in particular human rights law, refugee law and international humanitarian law.

80. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has referred in several of his reports to the measures to ensure respect for the human rights of all and the rule of law, which form one of the action points of the Strategy. Member States resolved to address the structural conditions conducive to the spread of terrorism, including prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socioeconomic marginalization and lack of good governance. They called for action to be taken to address those conditions, while recognizing that none of them excused or justified acts of terrorism.

81. The Special Rapporteur is of the view that the Strategy provides an appropriate framework for States to ensure a balance between effective counter-terrorism measures and the protection of human rights. He notes that the measures proposed in the Plan of action are not conflicting, but rather complementary and mutually reinforcing goals, which would enable States to uphold the rule of law while countering terrorism.

82. The Special Rapporteur highlights General Assembly resolution 61/171 on protection of human rights and fundamental freedoms while countering terrorism, which reaffirms that counter-terrorism measures should be implemented in full consideration of minority rights and must not be discriminatory on the grounds of race, colour, sex, language, religion or social origin. He also highlights General Assembly resolution 63/185, which calls upon States not to resort to profiling based on stereotypes founded on the grounds of discrimination on the basis of race, ethnicity or religion.

2. Regional standards

83. The Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (art. 14) and Protocol No. 12 thereto prohibit any kind of discrimination, while Protocol No. 4 to the Convention provides for freedom of movement (art. 2). The European Commission against Racism and Intolerance, in its general policy recommendation No. 8 (2004) on combating racism while fighting terrorism, recommends,

[54] See www.ohchr.org/Documents/ProfessionalInterest/cerd.pdf.
[55] See www.un.org/en/durbanreview2009/pdf/DDPA_full_text.pdf.
[56] See www.un.org/en/preventgenocide/adviser/pdf/Rabat_draft_outcome.pdf.
[57] See A/60/825.

inter alia, that States guarantee in a non-discriminatory way the freedoms of association, expression, religion and movement and ensure that no discrimination ensues from legislation and regulations or their implementation.[58] It also recommends that States ensure that their national legislation expressly includes the right not to be subject to racial discrimination among the rights from which no derogation may be made even in time of emergency.[59]

84. The African Charter on Human and Peoples' Rights provides for the right to freedom from discrimination of any kind (art. 2) and the right to freedom of movement (art. 12). In its Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa, the African Commission on Human and Peoples' Rights, states, in relation to fundamental freedoms, that "States shall not use combating terrorism as a pretext to restrict fundamental freedoms ..." (p. 14).[60]

85. The Organization of American States has adopted several instruments aimed at combating racism and xenophobia, the main one being the American Convention on Human Rights (Pact of San José). More specifically, the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance provides for States parties to ensure that the adoption of measures of any kind, including those on security matters, does not discriminate directly or indirectly against persons or groups on the basis of race, colour, lineage or national or ethnic origin (art. 8).

3. National standards

86. The Special Rapporteur notes that, in promulgating counter-terrorism legislation, many States have implemented review mechanisms to ensure that legislation is concordant with human rights standards. Some States have also included sunset clauses in their counter-terrorism laws, which require renewal to stay in effect.[61] The Special Rapporteur will further examine and review the national standards designed to counter racism and xenophobia in the context of countering terrorism in his next thematic report to be submitted to the General Assembly later this year.

F. Good practices

87. Despite the disturbing trend towards racist and xenophobic rhetoric and policies as a response to fears of terrorism, some countries have taken concrete and effective steps to combat racism and xenophobia.

88. For example, in order to counter Islamophobic sentiment caused, in part, by the large influx of Syrian refugees and the fear of a terrorist attack, Argentina has prepared an awareness-raising and training plan to be implemented in all schools. The plan is aimed at combating ignorance about Islam and Muslims by teaching students about the history of Islam and Muslim beliefs and elucidating the prejudices that have led to the association of Muslims and Arabs with terrorism.[62]

89. The Special Rapporteur learned that Greece has issued recommendations to combat the rising racist and xenophobic violence within its borders, including through "improved training of the police and the judiciary with regard to racist crimes".[63] Spain has developed a project to train national and local police and security forces on identifying racist and xenophobic incidents.[64]

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[58] See fifth recommendation to governments of member States.

[59] See sixth recommendation to governments of member States.

[60] See www.achpr.org/files/instruments/principles-guidelines-countering-terrorism/principles_and_guidelines_on_human_and_peoples_rights_while_countering_terrorism_in_africa.pdf.

[61] See A/HRC/16/51.

[62] See www.lanacion.com.ar/1937158-capacitaran-a-alumnos-para-que-entiendan-de-que-se-trata-el-islam.

[63] See A/HRC/32/50/Add.1.

[64] See A/HRC/23/56/Add.2.

90. In addition to training of national police, security and border-control personnel, Governments have tried to aid in the social integration of immigrants and refugees. The Special Rapporteur was informed that, in Denmark, the municipal government in Aarhus decided that it would not criminalize the re-entry of citizens who had left the country to fight in Syria, but has instead welcomed them back with tools and support to rehabilitate and reintegrate them back into society.[65]

91. In Portugal, the Government has set up a programme to facilitate the integration of migrants into the labour market with a view to avoiding the negative consequences of long-term unemployment for both nationals and migrants.[66]

92. The Special Rapporteur was encouraged to learn that the Government of Canada had recently adopted legislation which allows Canadian citizens to sponsor refugees and provides for assistance and support to help refugees integrate into the new society.[67]

V. Conclusion

93. The Special Rapporteur would like to thank the Human Rights Council and Member States for the privilege and opportunity he has had to serve in this capacity. During his term in office, he addressed multiple aspects of racism and intolerance, from racial profiling in law enforcement and the prevention of racism, racial discrimination and related intolerance to racism on the Internet and in social media, racism, racial discrimination, xenophobia and related intolerance in sports, the exploitation of the Internet for recruitment and incitement to racial discrimination and violence, the role of education and of data and statistics in combating racism, among others.

94. The Special Rapporteur undertook country visits to eight countries in Africa, Asia, Europe and the Americas. During those visits, he had the privilege of engaging in constructive dialogue with State officials on the challenges encountered as well as progress made in combating racism, racial discrimination and xenophobia in their respective countries. The Special Rapporteur would like to thank the Governments of countries that issued invitations to visit and those that accepted his requests to visit. He remains concerned that some States have not yet favourably responded to long-standing requests by previous and the current mandate holder for an official visit and urges them to consider extending an invitation to the mandate in a timely manner.

95. Given the increase in xenophobic sentiment and racism globally as evidenced by the rise in right-wing populism, the increase in manifestations of racist and xenophobic hate crimes and xenophobic and racist attitudes in immigration and border control measures, the Special Rapporteur emphasizes that the need to continue to pay close attention to those issues is more relevant than ever.

96. Efforts to counter terrorism threats throughout the world have posed serious challenges to combating racism, xenophobia and discrimination. Strict immigration and border control measures, overly broad counter-terrorism policies and surveillance have contributed to fuelling racism, xenophobia and racial discrimination. Furthermore, the rise in hate crimes and a renewed platform for right-wing populist rhetoric, incited by growing economic disparity has resulted in the marginalization of persons or groups on the basis of their ethnic origin, religion or migration status. Against that backdrop, the Special Rapporteur felt compelled to examine those issues and to exchange and consult with experts and relevant stakeholders to propose ways of addressing them. That will be the subject of his final report to the General Assembly later this year.

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[65] See www.npr.org/sections/health-shots/2016/07/15/485900076/how-a-danish-town-helped-young-muslims-turn-away-from-isis.

[66] See http://publications.iom.int/system/files/pdf/migration_and_the_economic_crisis.pdf.

[67] See www.nytimes.com/2016/07/01/world/americas/canada-syrian-refugees.html.